

APPENDIX “A”

MOONSCOOP SAS,)	CASE NO. 1:09CV1885
)	
)	
Plaintiff,)	JUDGE JAMES S. GWIN
)	
v.)	
)	
AMERICAN GREETINGS CORPORATION,)	
)	
)	
Defendant.)	

PLAINTIFF’S WITNESSES	
NAME	SYNOPSIS OF TESTIMONY
Joel Vaturi	Mr. Vaturi is expected to testify about the Properties; MoonScoop’s due diligence investigation; MoonScoop’s business plan; the negotiation and performance of the AG-MoonScoop Binding Term Sheet; the MoonScoop-Boomerang Media, Inc./Classic Binding Term Sheet; MoonScoop’s efforts to obtain financing for the acquisition of the Properties; communications with AG, Boomerang Media, Inc./Classic, GTCR Golder Rauner LLC (“GTCR”), Levy and others regarding the acquisition of the Properties; the relationship and contract between MoonScoop and Boomerang Media, Inc./Classic; MoonScoop’s experience and expertise in marketing childrens’ programming in France and the Benelux countries; experience with and knowledge of co-production agreements and equity financing/partnership agreements within the industry; damages; and all relevant events during the period March through June 2009.

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John Engelman	Mr. Engelman is expected to testify about MoonScoop’s due diligence investigation; MoonScoop’s efforts to obtain financing for the acquisition of the Properties; the AG-MoonScoop Binding Term Sheet; the MoonScoop-Boomerang Media, Inc./Classic Binding Term Sheet; communications with AG, MoonScoop, GTCR, Levy and others regarding the acquisition of the Properties; MoonScoop’s relationship and contract with Boomerang Media, Inc./Classic; MoonScoop’s experience and expertise in marketing childrens’ programming in France and the Benelux countries; experience with and knowledge of co-production agreements and equity financing/partnership agreements within the industry; damages; and all relevant events during the period March through June 2009.
Eric Ellenbogen	Mr. Ellenbogen is expected to testify about MoonScoop’s due diligence investigation; MoonScoop’s efforts to obtain financing for the acquisition of the Properties; the AG-MoonScoop Binding Term Sheet; the MoonScoop-Boomerang Media, Inc./Classic Binding Term Sheet; communications with AG, MoonScoop, GTCR, Levy and others regarding the acquisition of the Properties; MoonScoop’s relationship and contract with Boomerang Media, Inc./Classic; MoonScoop’s experience and expertise in marketing childrens’ programming in France and the Benelux countries; experience with and knowledge of co-production agreements and equity financing/partnership agreements within the industry; damages; and all relevant events during the period March through June 2009.
Steven Rosen	Mr. Rosen is expected to testify about the Properties and the negotiation and performance of the Binding Term Sheet; MoonScoop’s efforts to obtain financing for the acquisition of the Properties; communications with AG regarding the acquisition of the Properties; the negotiation and performance of the MYP Work-Made-For-Hire Production Agreement and amendments thereto; MoonScoop’s experience and expertise in marketing childrens’ programming in France and the Benelux countries; experience with and knowledge of co-production agreements and equity financing/partnership agreements within the industry; and all relevant events during the period March through June 2009.

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Bill Schultz	Mr. Schultz is expected to testify about the Properties; the negotiation and performance of the AG-MoonScoop Binding Term Sheet; MoonScoop’s efforts to obtain financing for the acquisition of the Properties; communications with AG regarding the acquisition of the Properties; the negotiation and performance of the MYP Work-Made-For-Hire Production Agreement and amendments thereto; MoonScoop’s experience and expertise in marketing childrens’ programming in France and the Benelux countries; experience with and knowledge of co-production agreements and equity financing/partnership agreements within the industry; and all relevant events during the period March through June 2009.
David Donnini	Mr. Donnini is expected to testify about MoonScoop’s due diligence investigation; MoonScoop’s efforts to obtain financing for the acquisition of the Properties; GTCR’s financing for the acquisition of the Properties; the Binding Term Sheet and GTCR’s financing commitment letters; communications with MoonScoop, Boomerang Media, Inc./Classic, AG and others regarding the Properties; damages; and all relevant events during the period March through June 2009.
Michael Hirsh	Mr. Hirsh is expected to testify about the Properties, including communications with AG relating thereto; the performance of the 2001 License Agreement, including amendments thereto; the 2008 Cookie Jar Action and the settlement thereof; the negotiation and performance of the AG-Cookie Jar Binding Letter Agreement; the 2009 Cookie Jar Action; Cookie Jar’s attempts to match the AG-MoonScoop Binding Term Sheet; and Cookie Jar’s efforts to obtain financing for purchasing the Properties
Josef Mandelbaum, on cross-examination	Mr. Mandelbaum is expected to testify about the Properties, including any efforts to sell and/or license the same; the performance of the 2001 License Agreement, including amendments thereto; AG’s lawsuit against Cookie Jar, U.S.D.C., N.D. Ohio, Case No. 1:08-cv-1533 (“2008 Cookie Jar Action”) and settlement; the negotiation and performance of the AG-Cookie Jar Binding Letter Agreement; AG’s lawsuit against Cookie Jar, U.S.D.C., N.D. Ohio, Case No. 1:09-cv-01056-JG (“2009 Cookie Jar Action”); the negotiation and performance of the AG-MoonScoop Binding Term Sheet; Cookie Jar’s attempts to match the AG-MoonScoop Binding Term Sheet; the negotiation and performance of the MYP Work-Made-For-Hire Production Agreement and amendments thereto; and all relevant events during the period March through June 2009.

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Zev Weiss, on cross-examination	Mr. Weiss is expected to testify about the Properties, including any efforts to sell and/or license the same; the performance of the 2001 License Agreement, including amendments thereto; the 2008 Cookie Jar Action and settlement; the negotiation and performance of the AG-Cookie Jar Binding Term Sheet; the 2009 Cookie Jar Action; the negotiation and performance of the AG-MoonScoop Binding Term Sheet; Cookie Jar’s attempts to match the AG-MoonScoop Binding Term Sheet; the negotiation and performance of the MYP Work-Made-For-Hire Production Agreement and amendments thereto; and all relevant events during the period March through June 2009.
Dr. Marc Vellrath	Dr. Vellrath is an expert witness who will testify regarding Plaintiffs’ damages.

MoonScoop reserves the right to not call one or more of the witnesses listed above, and to amend or supplement this witness list, subject to on-going discovery, rulings of the Court on pre-trial motions, and the testimony of American Greetings’ witnesses in its case in chief.

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DEFENDANT’S WITNESSES	
NAME	SYNOPSIS OF TESTIMONY
	American Greetings currently intends to call the following fact witnesses at trial:
Josef Mandelbaum	Mr. Mandelbaum will testify about American Greetings dealings with Cookie Jar and efforts to sell the Properties, including but not limited to the July 2008 Letter Agreement and lawsuits. He will also testify about the March 24, 2009 Binding Term Sheet, including the negotiations of the Agreement and its performance, including but not limited to the drop dead closing date, time was of the essence, the conditions precedent, and the amendment to the work for hire agreement with Mike Young Productions. He will also testify about communications with MoonScoop, GCTR, Classic, Cookie Jar and others regarding the subject matter of this action. He will also testify about the financial performance of the Properties. He will also testify about MoonScoop’s failure to close the agreement on or before June 7, 2009, and all events relevant during the period April 2008 through June 2009.
Joel Vaturi, on cross-examination	Mr. Vaturi will testify about the March 24, 2009 Binding Term Sheet, including the negotiations and performance of the agreement. He will also testify about communications with American Greetings, GCTR, Classic and others related to the Agreement. He will also testify about MoonScoop’s efforts to obtain financing, and MoonScoop’s failed attempt to effectuate the Agreement. He will further testify about MoonScoop’s agreements with GCTR, Boomerang and Classic.
David Passerallo	Mr. Passerallo will testify about the Properties’ financial performance.
Robert Brlas	Mr. Brlas is an expert witness, who will rebut the testimony of Plaintiff’s damages expert.

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Zev Weiss	Mr. Weiss will testify about American Greetings dealings with Cookie Jar, including but not limited to the July 2008 Letter Agreement and the lawsuits. He will also testify about the March 24, 2009 Binding Term Sheet, including the negotiations of the Agreement and its performance. He will also testify about communications with MoonScoop, GCTR, Classic, Cookie Jar and others regarding the subject matter of this Action. He will also testify about MoonScoop's failure to close the agreement on or before June 7, 2009, and all events relevant during the period April 2008 through June 2009.
	American Greetings may also call the following witnesses:
John Engelman and/or Eric Ellenbogen, on cross-examination or by video deposition	Mr. Engelman and/or Mr. Ellenbogen, the principals of Classic Media, will testify about the MoonScoop/Boomerang Media, Inc. Binding Term Sheet, and the relationship between Classic, Boomerang, GCTR and MoonScoop. They will also testify about communications with American Greetings, MoonScoop's and others related to the March 24, 2009 Agreement, and all other relevant facts, especially in the May to June 2009 time frame.
David Doninni and/or Eric Sondag, by video deposition	Mr. Doninni and Mr. Sondag are representatives of GCTR, a private equity firm. One or both will testify about the relationship between Classic, Boomerang, GCTR and MoonScoop. They will also testify about MoonScoop's agreement with Boomerang and the financing commitments from GCTR. They will also testify about communications with American Greetings, MoonScoop and others relating to the March 24, 2009 Agreement. They will also testify about MoonScoop's inability to close the transaction on or before June 7, 2009.
Jerome Levy, by videotape deposition	Mr. Levy was an investment banker working for MoonScoop. He will testify about MoonScoop's inability to finance the March 24, 2009 Binding Term Sheet without transferring the Properties to Boomerang. He will also testify about communications with American Greetings, MoonScoop's and others relating to the March 24, 2009 Agreement. He will also testify about MoonScoop's inability to close the transaction on or before June 7, 2009.
Steve Rosen, by video tape deposition	Mr. Rosen is the CFO of MoonScoop, LLC. He will testify about negotiation of the March 24, 2009 Binding Term Sheet and the Mike Young Productions' work for hire agreement, and other relevant facts.
Bill Schultz	Mr. Schultz is CEO of MoonScoop LLC. He will testify about negotiation of the March 24, 2009 Binding Term Sheet and the Mike Young Productions' Work for Hire Agreement, and other relevant facts.

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American Greetings reserves the right to not call one or more of the witnesses listed above, and to amend or supplement this witness list, subject to on-going discovery, rulings of the Court on pre-trial motions, and the testimony of MoonScoop’s witnesses in its case in chief.